



# DELAWARE ASSOCIATION *of* CONSERVATION DISTRICTS

649

February 26, 2004

Mr. David McKay  
Conservation Planning Team Leader  
Conservation Operations Division  
USDA NRCS  
P.O. Box 2890  
Washington, DC 20013-2890

Attention: Conservation Security Program

Dear Mr. McKay:

The Delaware Association of Conservation Districts (DACD) welcomes the opportunity to submit comments on the proposed rule to implement the 2002 Farm Bill Conservation Security Program. First, we applaud NRCS for developing a proposed rule in the face of the number of legislative changes that were made to the program following its enactment.

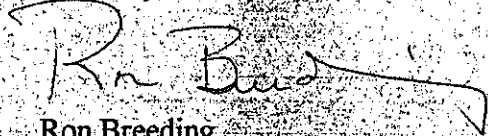
We have several concerns relative to the proposed rule. We understand that during the development of the proposed rule changes were made to the statute that altered it from an uncapped entitlement program to a "capped entitlement" to be funded at approximately \$3.8 billion over 10 years. Given that change, NRCS proposed a much more limited program that would be available only to a relatively small number of producers in a limited number of regionally targeted watersheds. These targeted watersheds would be based on USGS eight-digit hydrologic unit codes, which tend to be too large for effective watershed planning, especially in a small state like Delaware. Additionally, these watershed designations do not align with Delaware's TMDL watersheds. The proposed rule would also place significantly lower limits on cost-share rates and base payments than were originally intended in the statute. Finally, it would restrict the number and types of practices that are eligible for payment.

The enactment of the 2004 Consolidated Appropriations Bill, however, restored the CSP to an uncapped entitlement as it was originally written. Given that fact, we strongly urge NRCS to prepare a rule to implement the program as originally intended and without the severe restrictions in the currently proposed rule. The principal issues that need to be addressed in the supplement to properly implement the CSP as an uncapped entitlement are as follows.

- Allow open enrollment to all eligible producers nationwide with no preference for producers in targeted watersheds. If watersheds are to be prioritized, this should be done by the Conservation Partnership at the State or local level.
- Provide the full cost-share, maintenance and base payments as provided for in the statute.
- Remove the limitation on the types of practices eligible for payment.

DACD appreciates the opportunity to provide our comments on the CSP proposed rule. We look forward to CSP's evolution as a highly effective program that furthers the success of locally led conservation.

Sincerely,



Ron Breeding  
President  
Delaware Association of Conservation Districts

cc: Kent Conservation District  
New Castle Conservation District  
Sussex Conservation District  
Michael K. Brown, DNREC  
Martha Pileggi, DACD  
Virginia Murphy, DE State Conservationist

**D I O C E S E**  
of NEW ULM

Office of Social Concerns

February 20, 2004

Conservation Security Program Comments  
ATTN: David McKay  
NRCS Conservation Operations Division  
P.O. Box 2890  
Washington, DC 20013

Dear Mr. McKay,

For the past fifteen years, I have directed the Social Concerns and Rural Life Office, in the Diocese of New Ulm, Minnesota. The diocese is deemed the "most rural" Catholic diocese in the nation. It covers a fifteen county area and is almost coextensive with the Minnesota River Basin—about 90% of the land in the basin is devoted to agricultural production. Agriculture continues to change dramatically here, and across the nation. We continue to advocate an agricultural system that will: provide a safe, affordable and sustainable food supply; ensure a decent life for farmers and farmworkers; sustain and strengthen rural communities; protect the natural environment; and expand participation.

The Conservation Security Program (CSP), if properly implemented, will improve our nation's agricultural system. I support the CSP as a nationwide conservation program and, as intended by Congress, it should be open to all farmers who are practicing effective conservation.

The USDA should immediately issue a supplement to the proposed rules, issued on January 2nd. The proposed rules are not consistent with the law authorizing the CSP. I urge these important changes to the proposed rules:

- **Restore Green Payments**—the proposed rules call for pennies per acre for base payments, 5% cost-share payments for practices, and enhanced payments that only cover the farmer's costs. Restore meaningful incentive payments so that farmers are adequately rewarded for their environmental stewardship.
- **Make All Farms Eligible**—restore eligibility for all by eliminating the selection of "priority watersheds" and the undefined "categories" for enrollment.
- **Motivate Farmers**—allow farmers to achieve high conservation standards while in the program, not as a precondition for applying. The proposed rules set the bar too high for entry into CSP.
- **Restore Comprehensive Conservation Approach**—allow farmers to address significant natural resource concerns on their farms. Allow use of all effective practices, instead of severely restricting what may be done.
- **Reward High Performance**—add significant enhanced payments for resource conserving crop rotations and managed rotational grazing, as provided in the law.

I thank you, sincerely,



Christopher Loetscher, Director  
Social Concerns & Rural Life Office



**CAVALIER COUNTY LOCAL WORK GROUP**  
**800 9<sup>th</sup> Avenue East Suite B**  
**Langdon, ND 58249-2936**  
**(701) 256-2484**

February 6, 2004

Dear Sir or Madam,

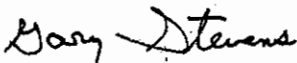
The Cavalier County Local Work Group met on February 3, 2004 to discuss the proposed rule for the Conservation Security Program. We would like to make the following comments regarding the proposed rule.

We recommend that the Conservation Security Program should be made available nationwide, not restricted to priority watersheds. Limiting enrollment to certain watersheds defeats the goal of the program to "Reward the best and motivate the rest" by making geographic location a more important factor than level of existing stewardship.

We recommend that the CSP definition of Agricultural Operation be made to correspond to a Farm Service Agency farm number rather than as stated in the proposed rule. The CSP should also offer three-year contracts to coincide with shorter term rental contracts. An operator should be able to receive CSP payment on rented land if it meets the eligibility criteria, and if the operator loses rented land at the end of a rental contract, that land should simply drop out of the CSP with a corresponding decrease in the annual payments in that contract. The Local Work Group feels this would increase participation in the CSP for landowners who would qualify for Tier 2 or 3 but do not have long term rental contracts.

Thank you for taking the time to read and consider our comments on the Conservation Security Program proposed rule.

Sincerely,



Cavalier County Local Work Group  
Gary Stevens, Chair

# Watershed Agricultural Council

Agriculture ♦ Forestry ♦ Conservation Easements ♦ Natural Resources

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February 27, 2004

Mr. David McKay  
Conservation Planning Team Leader  
Conservation Operations Division  
Natural Resources Conservation Service  
U.S. Department of Agriculture  
P.O. Box 2890  
Washington, DC 20013-2890

Re: Conservation Security Program

Dear Mr. McKay:

On behalf of the Watershed Agricultural Council (WAC) of New York, I am submitting comments on the U.S. Department of Agriculture's proposed Conservation Security Program (CSP) rule (Federal Register: January 2, 2004 (Volume 69, Number 1)).

The WAC, incorporated in 1994, administers the Watershed Agricultural Program (WAP) in the New York City (NYC) water supply watershed as part of a farmer-led cooperative effort to implement the NYC Department of Environmental Protection's long-term watershed protection program. The WAP has the support of the US Environmental Protection Agency as well as the direct involvement of the USDA Natural Resources Conservation Service and Farm Service Agency, the local Cooperative Extension Service, and multiple Soil and Water Conservation Districts. With over 85 percent of farms in the NYC watersheds actively participating, this collaborative, voluntary and incentive-based approach to agricultural nonpoint source control is a model for the rest of the country. USDA, through technical and financial assistance, has been a key partner.

The WAC, primarily through the utilization of NYC funds, has implemented upwards of \$100 million over the past decade in the development of Whole Farm Plans, implementation of structural Best Management Practices (BMPs), and purchase of farmland protection easements on NYC watershed farms. The next phase of the effort poses great challenges, for which CSP can provide essential resources and incentives to secure and enhance these improvements over the long term. Most importantly, CSP offers the mechanism for rewarding New York City watershed farmers for their

demonstrated commitment to land and water stewardship, as well as to help offset the labor, maintenance, and replacement costs for their enhanced farm management practices. With City-funded structural BMPs in place to control pollutants on the farm, CSP will support farming management practices to eliminate waterborne pathogen in herds and significantly reduce the importation of nutrients into the watershed.

### *Collaboration and Leveraging*

CSP should build on programs that emphasize alliances between farmers and water consumers that protect drinking water quality. Where such programs have already developed and implemented pollution prevention plans and practices on individual farms, CSP can support long-term maintenance and eventual replacement of BMPs. Rewarding farmers for their commitment to land and water stewardship will help to sustain that commitment. Specifically, providing cost sharing to farmers for replacement of structural BMPs that have outlived their designed lifespan or failed through no fault of the farmer will result in long-term environmental protection.

### *Priority Watershed Approach (Section 1469.5)*

The WAC supports the watershed approach that USDA adopts in the proposed rule. A watershed approach provides the best framework, regardless of funding limitations, for securing the intended benefits of CSP. A case in point is the highly successful Conservation Reserve Enhancement Program through which focused conservation efforts are directed to priority watersheds based on State, Federal, local government, and farmer collaboration. In setting priorities, USDA should give highest priority to those watersheds that are sources of public drinking water supplies, especially those that are unfiltered and in need of the highest levels of watershed protection. Where farmer goals and public health concerns align, CSP has the best chance to maximize its impact. Furthermore, in watersheds with impairments to receiving waters being in part due to agricultural activities, high priority should be given to addressing Total Maximum Daily Load (TMDL).

### *Definition of Agricultural Operation (Section 1469.5(b))*

The definition of "agricultural operation" does not appear to include barnyards and feedlots, which appear to be categorized under "other land" (Section 1469.5(b)(5)). This suggests a strong bias against dairy and livestock farms, in favor of crop and rangeland operations. Such an emphasis would be of little benefit to farmers and the general public in the Northeast, where there is an urgent need to support livestock waste management. There appears to be a similar bias in the CSP rule against construction or maintenance of animal waste storage and related facilities (see below), which we strongly urge you to reconsider.



*Enrollment Categories (Section 1469.6)*

Factors considered in subcategories should explicitly include targeting water quality priority areas for waterborne pathogens, especially those regulated under the Federal Surface Water Treatment Rule (*Cryptosporidium* and *Giardia*) in public water supplies.

*Program Payments/Eligible Practices (Section 1469.21/23)*

USDA should reconsider the blanket prohibition on CSP funding for maintenance of equipment (1429.21(i)). Comprehensive Nutrient Management Planning (CNMP) requires a farmer to purchase new or additional equipment in order to carry out the plan. Longer fertilizer transport distances are often required by CNMPs. The added maintenance costs for non-structural management practices to protect water quality are often overlooked and under appreciated. Financially stressed farmers will be unable to assume higher costs for fuel, labor, parts, and maintenance without some offsetting incentive, yet those management practices can have the greatest impact on protecting the environment.

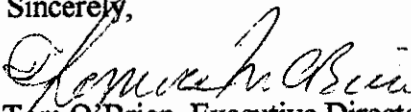
The WAC is unclear about where the rule stands in terms of "construction or maintenance of animal waste storage or treatment facilities or associated water transport or transfer devices for animal feeding operations" (Section 1469.23(c)(3)(i)). These are apparently not eligible for New Practice payments. If maintenance of such practices is not eligible under the "Existing Practice component" (1469.23(b)), then the CSP rule should be changed to make them eligible; otherwise there is little benefit to northeastern farmers and the public.

*Tier I Minimum Level of Treatment (Section 1469.5?)*

The WAC is unclear about the "minimum level of treatment" for enrollment in Tier I of CSP. Is it compliance with Highly Erodible Land (HEL) and wetland conservation (7CFR12) requirements, or is it something more than conservation compliance?

On behalf of the Watershed Agricultural Council, I want to thank you for the opportunity to comment on the proposed Conservation Security Program rule. WAC looks forward to a continued strong partnership with USDA in our efforts to protect New York City's drinking water and agricultural viability in the City's water supply watersheds. We have the opportunity to showcase the New York City Watershed Agricultural Program as an example of sustained watershed protection in a working landscape to maintain highest quality drinking water, water that serves 9 million people.

Sincerely,

  
Tom O'Brien, Executive Director  
Watershed Agricultural Council